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Trafficking in women and girls

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 57/176, the present report provides information on the legal and policy measures introduced by Member States and on activities undertaken by entities of the United Nations system and other organizations to combat trafficking in women and girls. The report concludes with a series of recommendations for future action.

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I. Introduction

1. In its resolution 57/176 of 18 December 2002, on trafficking in women and girls, the General Assembly called on Governments to strengthen further their national efforts to combat trafficking in women and girls, and to implement joint actions at the bilateral, subregional, regional and international levels. The Assembly put forward detailed recommendations to prevent trafficking in women and girls, punish perpetrators and protect and support victims of trafficking. The Assembly requested the Secretary-General to submit to it, at its fifty-ninth session, a report on the implementation of the resolution. The present report is submitted in accordance with that request based, inter alia, on information received from Member States, entities of the United Nations system and other organizations. It covers the period since the last report[1] up to 14 May 2004. Information about implementation of Assembly resolutions 57/181, on the elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", 57/179, on working towards the elimination of crimes against women committed in the name of honour, and resolution 58/185, on an in-depth study on all forms of violence against women, is contained in another report before the Assembly.

II. Measures taken by Member States

2. A total of 41 Member States — Albania, Argentina, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, China, Colombia, Costa Rica, Denmark, Finland, Germany, Iceland, Indonesia, Ireland, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Lithuania, Malaysia, Malta, Morocco, Myanmar, Norway, Paraguay, the Philippines, Portugal, the Republic of Maldives, the Republic of Korea, the Russian Federation, Saudi Arabia, Serbia and Montenegro, Sweden, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland, Ukraine, the United States of America and Uzbekistan — and one Observer State — the Holy See — responded to the Secretary-General's request for information relating to the implementation of General Assembly resolution 57/176. Information was provided about legal measures as well as policy measures put in place to combat trafficking in women and girls.

A. Legal measures

1. International obligations

3. Since the adoption of resolution 57/176, major international achievements to combat trafficking in women and girls include the entry into force of the United Nations Convention against Transnational Organized Crime on 29 September 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 25 December 2003, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime on 28 January 2004,[2] and the

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[3] on 18 January 2002.

4. As of June 2004, 79 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime; 61 States had ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and 55 States had ratified or acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air. Of the Member States that submitted information for the present report, Finland, Morocco and Sweden had become party to the Convention; Denmark had become party to the Convention and to the Trafficking Protocol; Albania, Argentina, Azerbaijan, Belarus, Costa Rica, Kyrgyzstan, Lithuania, Malta, Myanmar, Norway, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro and Ukraine had become party to the Convention and to the two Protocols. Austria reported that the Convention would be discussed shortly in its parliament. Ireland reported that legislation to enable it to ratify the Convention and the two Protocols was under preparation and was expected to be published in 2004. Japan reported that it had initiated the ratification process of the Trafficking Protocol, while the United States of America reported that the Convention and the Trafficking Protocol had been submitted to the Senate for ratification. Germany and Sweden were working towards ratification of the Trafficking Protocol, and the United Kingdom of Great Britain and Northern Ireland was working towards the ratification process of the three instruments.

5. As of June 2004, 73 Member States had ratified or acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Of the Member States reporting, Argentina, Austria, Azerbaijan, Bangladesh, Belarus, China, Colombia, Costa Rica, Denmark, Iceland, Italy, Kyrgyzstan, Morocco, Norway, Paraguay, the Philippines, Portugal, the Republic of Maldives, Serbia and Montenegro, the Syrian Arab Republic, Ukraine and the United States of America had become party to this instrument. Japan reported that the ratification of the Optional Protocol had been approved by the Diet in April 2004, whereas in Lithuania ratification of the Optional Protocol was pending in Parliament.

6. Several of the reporting States indicated their adherence to other international and regional instruments that contained provisions relevant to the issue of trafficking in women and girls, including the 1921 Protocol to amend the Convention for the Suppression of the Traffic in Women and Children (Portugal), the 1947 Convention for the Suppression of the Traffic in Women of Full Age (Portugal), the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Russian Federation, the Syrian Arab Republic, Uzbekistan) and the Final Protocol thereto (Uzbekistan), the 1958 International Labour Organization Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (Finland), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (Morocco, Russian Federation, Uzbekistan), the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Uzbekistan), the 1983 European Convention on the Compensation of Victims of Violent Crimes (Portugal), the 1990 Convention on the Rights of the Child (Argentina, Russian Federation, the Syrian Arab Republic, Uzbekistan), the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan), the

1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption (Portugal), the 1996 Stockholm Declaration on the Commercial Sexual Exploitation of Children (Argentina), the 1998 Rome Statute of the International Criminal Court (Portugal), the 1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Portugal), the 1999 International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Finland, Russian Federation, Saudi Arabia, United States of America), the 2000 Protocol drawn up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) amending Article 2 and the Annex to that Convention (Portugal), the 2002 South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (Republic of Maldives) and the 2001 Yokohama Global Commitment against the commercial sexual exploitation of children (Argentina).

7. Lithuania and the Russian Federation reported that their respective parliaments were working towards the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Belarus had completed the necessary procedures to accede to the Hague Convention of 25 October 1980 on Civil Aspects of International Child Abduction. Austria, Germany and Sweden were actively involved in the ongoing negotiations on the draft Convention against Trafficking in Human Beings of the Council of Europe, expected to be finalized by the end of 2004. Finland, Ireland, Portugal and the United Kingdom of Great Britain and Northern Ireland supported the European Union (EU) Council framework decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings.

2. Domestic legal measures

8. Some States, including Belarus, Finland, Italy and Norway, stated that their legislation relating to trafficking was in conformity with standards set by the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and/or other international and regional human rights instruments. Legislative work was under way in Belgium to bring laws into conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

9. Many States reported that their criminal laws addressed trafficking in human beings. In Albania, trafficking was addressed in Law No. 8733 of 24 January 2001 of the Penal Code, which provided sentences for traffickers ranging from seven to fifteen years, while in Argentina trafficking was addressed in articles 127 bis and 127 ter of the Penal Code, which established sanctions for persons who promoted or facilitated the entry into and the exit from the country of persons and children under 18 years of age for the purpose of prostitution. In Austria, articles 104, 104 a and 217 of the Criminal Code covered trafficking. A number of provisions of the Criminal Code of Azerbaijan were applicable to instances of human trafficking, including slavery, forced confinement, trafficking in human organs, abduction, kidnapping, compulsion to sexual activities, involvement of minors into prostitution, trafficking in minors, illegal adoption, compulsion to prostitution and running dens. The Criminal Code of Belarus established criminal liability for trafficking in human beings, including for the purpose of sexual or other exploitation. Severe punishment

of criminals for the abduction, sale or kidnapping of women and children was included in the Criminal Law of China.

10. Colombia reported on the reform of its Penal Code through the adoption of Law 747 of 19 July 2002, which addressed the issue of trafficking in human beings. Moreover, on 21 January 2004, Colombia adopted Decree No. 000110, establishing the functions of the Department of Consular Affairs and Colombian Communities Abroad in the Ministry of Foreign Affairs as a way to protect its citizens living abroad, including with regard to trafficking. Denmark had amended its Criminal Code in June 2002. The amendments included the insertion of a separate provision on trafficking in human beings, an increase in the maximum penalty for trafficking, better investigative tools concerning intervention in the secrecy of communications and the extension of possibilities for confiscation in trafficking cases. Moreover, in March 2003, Parliament had adopted a legislative reform on child pornography, sexual exploitation of children and sale of children. Specific legislation to combat the sexual exploitation of children had also been adopted in Costa Rica.

11. In March 2003, Iceland had passed a new act amending its Penal Code, under which trafficking in persons was punishable by up to eight years in prison. The Office of the President of Indonesia was reviewing a draft decree on the elimination of trafficking in persons, which was expected to become umbrella legislation to facilitate a comprehensive national approach to trafficking in persons. Trafficking was also combated through provisions of the Indonesian Criminal Code, such as Law No. 39/1999 on human rights and Law No. 23/2002 on child protection.

12. On 21 April 2002, Kyrgyzstan had adopted Presidential Decree No. 94 on measures to combat illegal removal of and trafficking in persons. On 9 August 2003, Kyrgyzstan had adopted Act No. 193 on amending and supplementing various legislative acts, specifically the Criminal Code (article 124, on trafficking in persons and article 204, on organization of illegal migration) and the Code of Administrative Responsibility. The Act characterized trafficking in persons as a serious offence and provided for criminal prosecution and penalties as well as administrative penalties. Kuwait reported that measures to prevent trafficking in women and the exploitation of prostitution of women were included in the Kuwaiti Penal Code (Act No. 16 of 1960), which contained strict legal provisions making these acts punishable offences.

13. The Penal Code (Act No. 16 of 1960) of Jordan contained provisions dealing with all crimes involving sexual assault. More specifically, articles 309 to 320 of the Code provided penalties for trafficking in women, prostitution, inducement to dissolution, the establishment of brothels, offences against public decency and morality and the commission of indecent acts in public places. Efforts were under way to amend the text in order to correct the inadequacy of the penalties imposed on perpetrators.

14. Lithuania had established criminal liability for trafficking in people in 1998 when the Criminal Code was supplemented with article 131 on trafficking in people. Such liability was also included in the new Criminal Code, which came into force on 1 May 2003. Article 147 of the new Code expanded the definition of trafficking in human beings, while article 157 established criminal responsibility for the sale or purchase of children.

15. In Malaysia, the issue of trafficking was addressed in the Penal Code, the Child Act of 2001 and other laws. In addition, section 56 (1) (d) of the Immigration Act 1959/1963 had been amended and now provided for the caning of persons guilty of trafficking. Malta reported that references to the criminal status and respective punishments related to trafficking in women and girls were contained in article 197 of the Criminal Code (chapter 9 of the Laws of Malta). Since 2002, the new sections of the Criminal Code — 248 A, B, C, D and E — targeted in particular the trafficking of persons for economic exploitation, prostitution or pornography and the exploitation of human organs. These offences were further aggravated when organized crime was involved, in which case they were punishable by up to 20 years of imprisonment.

16. Norway reported that amendments to its Penal Code had entered into force on 4 July 2003, which now contained a separate provision (article 224) on trafficking in human beings, and had introduced increased penalties for repeat offences, particularly crimes of gain, violence and sexual offence and organized crime. Other provisions of the Penal Code and other statutes could also be applied to acts committed in connection with human trafficking.

17. The Philippines reported that in May 2003 the Anti-Trafficking in Persons Act had been signed into law. This comprehensive law instituted policies to eliminate trafficking in persons, especially women and children, established necessary institutional mechanisms to protect and support trafficked persons and determined sanctions and penalties for traffickers and those who bought or engaged the services of trafficked persons for prostitution.

18. Portugal reported that trafficking in persons was punishable under article 169 of the Criminal Code, as amended in August 2001 by Act 99/2001, which enabled the prosecution and the punishment of all those who, directly or indirectly, contributed to the traffic in persons. Article 176 of the Criminal Code included provisions concerning the procurement of and trafficking in children. The Criminal Code also extended to other situations related to trafficking, such as slavery and the slave trade, threat, coercion, abduction and kidnapping.

19. The Republic of Korea had strengthened two laws in 2004 to combat trafficking in women and girls. One law aimed at preventing trafficking in women and girls for the purpose of sexual exploitation and provided protection for victims. The second law aimed at punishing perpetrators of such crimes, including intermediaries. Italy reported on the adoption, in 2003, of Law 228/2003, on measures against trafficking in persons, which defined trafficking in human beings as a specific crime. In the Russian Federation individual elements of trafficking in persons, as well as specific actions, were defined as offences and crimes under the national administrative and criminal legislation. For instance, trafficking in persons was addressed in article 127-1 of the Criminal Code, abduction in article 126 and sexual coercion in article 133.

20. Saudi Arabia reported on the existence of a number of legal measures to prevent trafficking, including Royal Decree No. 3/M of 16 April 2001, enacting International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; Order No. 13000 of 28 June 2002, prohibiting children under 18 years of age from riding racing camels and taking part in camel races; and Decision No. 20789/6 of 19 February 2004 by the Minister of Labour and Social Affairs, determining the

professions and the types of work that juveniles and adolescents were not permitted to undertake.

21. Serbia and Montenegro reported that trafficking in human beings was a criminal offence under article 111 (b) of the Criminal Code of the Republic of Serbia, as amended on 11 April 2003, and was also dealt with under other articles of the Criminal Code of the Republic of Serbia. On 17 December 2003, the Republic of Montenegro amended its Criminal Code to incriminate additional components of trafficking, for example, trafficking in children for adoption (article 445) and forcing persons into servitude and the transport of persons into servitude (article 446).

22. Sweden reported that legislation imposing criminal liability for trafficking in human beings for sexual purposes had entered into force on 1 July 2002. New legislation to criminalize all forms of trafficking in persons, including trafficking within national borders and trafficking for other forms of exploitation, such as forced labour and slavery, was expected to come into effect on 1 July 2004. Articles 510 and 512 of the Penal Code of the Syrian Arab Republic provided harsh penalties for perpetrators of crimes relating to trafficking or incitement to traffic in women and girls. The United Kingdom of Great Britain and Northern Ireland reported that Sexual Offences Act 2003 introduced new wide-ranging offences covering trafficking into, out of or within the United Kingdom for any form of sexual offence and carrying a 14-year maximum penalty. The Act also had special provisions related to the commercial sexual exploitation of children. A new asylum and immigration bill was currently before parliament. It contained a new offence of trafficking for exploitation, covering trafficking for forced labour, trafficking of the vulnerable and trafficking for the removal of organs. In Ukraine, a new criminal code had entered into force on 1 September 2002, which, in its article 149, established criminal liability for trafficking in persons. Special provisions had also been included in relation to trafficking in children.

23. Several States provided information about ongoing efforts to amend their Penal Codes. In Finland, in April 2004, Government bill HE 34/2004 had been presented to Parliament. The bill aimed at amending the Penal Code so that trafficking in human beings, procurement and prostitution could be more effectively prevented. Amendments had also been proposed to criminal provisions on the arrangement of illegal immigration and child pornography. Moreover, on 23 April 2004, Parliament had adopted the Aliens' Act, which required the Government to prepare, as a supplementary norm to the Aliens' Act, provisions on the status of victims of trafficking for parliamentary hearing. Germany reported on its intention to review its Penal Code to bring it into line with the EU framework decision 2002/629/JHA on combating trafficking in human beings.

24. Some States reported on their legislation adopted providing for victim and witness protection, including securing anonymity during trials (Belgium, Lithuania, the Russian Federation), allowing victims and witnesses to testify in the absence of defendants from courtrooms (Japan) and providing temporary residence permits to victims of trafficking, including during criminal cases (Austria, Belgium, Finland, Italy, Lithuania, Sweden, United States of America). In the United States of America, under the Trafficking Victims Protection Act of 2000, victims of trafficking could apply for T-non-immigrant status, a status available to victims who had complied with reasonable requests for assistance in investigating or prosecuting

acts of trafficking. In Italy, article 18 of Legislative Decree No. 286 of 25 July 1998, entitled "Unified text of provisions on immigration and the status of foreign citizens", made it possible to grant residence permits to victims of trafficking on either judicial or social protection grounds. The granting of residence permits for purposes of social protection did not create an obligation for victims to report the crime to the police. Serbia and Montenegro reported on the pending adoption of the law on witness protection in the Republic of Montenegro. In Germany, on 29 May 2001, the Federal Institute of Labour had issued a decree regulating cases of hardship drafted by the Federal Ministry of Labour. Accordingly, victims acting as witnesses under the cooperation concept could be given work permits immediately.

3. Data related to the prosecution of traffickers

25. Some States reported on the extent of trafficking, and particularly on their efforts to prosecute traffickers. During the period 2002-2003, Albania had identified 521 perpetrators of trafficking in women and 61 of trafficking in children. In 2003, the police in Belarus had uncovered 389 crimes related to trafficking in people. Costa Rica reported that, in November 2002, one of the major traffickers in human beings had been sentenced to 12 years' imprisonment. Twenty cases of trafficking in people had been registered in Lithuania in 2002 under article 131 of the Criminal Code on trafficking in people. In 2003, criminal proceedings had been instituted in 15 trafficking cases, 24 suspects had been identified and 6 criminal cases had reached the court, with 4 of them resulting in conviction. In Myanmar, from July to December 2002, 540 traffickers had been apprehended. In Serbia and Montenegro, during the first nine months of 2003, 11 criminal charges had been filed against 33 persons in connection with 74 criminal offences related to trafficking. In Ukraine in 2003, 289 crimes defined in article 149 of the Criminal Code had been uncovered, in which 99 people had been prosecuted. In Uzbekistan, in the period 2001-2003, criminal proceedings had been instituted for more than 60 cases involving the recruitment and transport of Uzbek citizens abroad for illegal employment (sexual or other exploitation); more than 100 persons had been found to be involved in that offence.

B. Policy measures

1. Anti-trafficking strategies and coordination mechanisms

26. Several States reported on the adoption of comprehensive anti-trafficking strategies to combat trafficking in persons, especially women and children, which included measures to prevent trafficking, prosecute traffickers and assist victims. Anti-trafficking strategies, or action plans, had been adopted in Albania, Azerbaijan, Belarus, Belgium, Denmark, Italy, Kyrgyzstan, Lithuania, the Philippines, and Serbia and Montenegro. Finland, Iceland, Japan and Sweden reported that national action plans to combat trafficking were currently under preparation or discussion. Trafficking was also addressed in plans of action against crime (Japan), plans of action to combat sexual exploitation (Republic of Korea, Paraguay), plans of action to improve the status of women and promote gender equality (Russian Federation, Ukraine) and plans of action on children (Bangladesh).

27. Most States submitting information for this report indicated that they had established national coordinating mechanisms to combat trafficking. In many cases,

such mechanisms consisted of representatives of governmental bodies and civil society, including NGOs, and were aimed at creating better coordination among different constituencies in the implementation of policies and measures against trafficking. National coordinating mechanisms, including inter-agency bodies, had been established in Albania, Austria, Azerbaijan, Belarus, Colombia, Denmark, Germany, Indonesia, Italy, Japan, Kyrgyzstan, Norway, the Philippines, the Republic of Korea, the Russian Federation, Serbia and Montenegro, Ukraine and the United States of America. Sweden had appointed a national rapporteur on trafficking in human beings in 1998. Myanmar had created an anti-trafficking unit within the Ministry of Home Affairs.

2. Measures to prevent trafficking and support victims

28. Many States continued to implement measures aimed at preventing trafficking, including poverty eradication programmes, awareness-raising and information campaigns, capacity-building activities and the development of codes of conduct for armed forces, as well as measures to protect and support victims of trafficking, including setting up shelters and telephone hotlines, providing counselling services, and other reintegration and rehabilitation measures. Most activities were undertaken by Governments, often in cooperation with non-governmental organizations. Several activities were implemented by non-governmental organizations only.

29. Argentina, Bangladesh, Belarus, China, Denmark, Finland, Germany, the Holy See, Iceland, Indonesia, Italy, Jordan, Kyrgyzstan, Lithuania, Malaysia, Myanmar, Norway, Paraguay, Sweden, the United Kingdom, Ukraine and Uzbekistan reported that they had undertaken and/or had supported awareness-raising activities and information campaigns in either print or electronic media. Such information campaigns included the publication of brochures, leaflets, posters and advertisements, as well as the production and screening of movies and documentaries. In Saudi Arabia, preparations were under way to draw up a guide and a brief information sheet for immigrant workers, for dissemination by Saudi embassies in the countries of origin of such workers, as well as by embassies and labour and recruitment offices in Saudi Arabia. The Syrian Arab Republic reported about its awareness-raising measures to strengthen the role of women and girls in society.

30. Information provided revealed that capacity-building activities had also been carried out, particularly to train Government officials, law enforcement agents, police officers, social workers, health workers, teachers and other professionals on the issue of trafficking. Such activities had been undertaken in several countries, including in Colombia, Italy, Japan, Lithuania, Malaysia, Myanmar, Norway, Paraguay, the Russian Federation, Serbia and Montenegro, and Ukraine.

31. Some States provided information about efforts to address root causes of trafficking, including through their poverty eradication activities aimed at economically empowering women, and measures to improve access of girls and women to quality education and vocational training to enhance entrepreneurial activities of women. Indonesia had established a poverty eradication project as one of the priority objectives of the 2000-2004 five-year national development plan; Myanmar had provided vocational training and microcredit loans to poor women and girls to start small business enterprises; the Philippines had pursued programmes to build capacity for disadvantaged women to improve their

productivity; and Kyrgyzstan had provided targeted support to unemployed Kyrgyz nationals, especially in rural areas and small towns.

32. As a preventive measure, Norway had developed the Norwegian Armed Forces Code of Conduct for personnel engaged in peacekeeping operations. The Code of Conduct was considered a tool for avoiding that Norwegian citizens or other persons operating on behalf of Norway in any international operation become accomplices in trafficking in human beings.

33. Most reporting States had carried out measures to protect and support victims of trafficking. Shelter homes and/or crisis centres had been set up in Austria, Bangladesh, Belarus, China, Japan, Jordan, Norway, the Russian Federation, and Serbia and Montenegro. In the United Kingdom of Great Britain and Northern Ireland trafficking victims had access to safe accommodation. In the United States of America victims could access benefits such as housing, food stamps and cash assistance. Some financial assistance was also available to victims of trafficking in Belgium. Bangladesh, Denmark, Italy, Lithuania, the United States of America and Uzbekistan had set up telephone hotlines to provide information about victim support services. Legal counselling and assistance, training workshops on legal protection and/or access to low-cost legal services existed in China, Indonesia, Portugal and the United States of America. Programmes to provide victims with psychological, medical and/or social assistance had been implemented in Austria, Belgium, Indonesia, Lithuania and the United States of America. Comprehensive victim support activities had also been implemented under the auspices of the Holy See.

34. Austria, Bangladesh, Belgium, China, the Holy See, Jordan, Kyrgyzstan, Lithuania, Myanmar, Norway, the Philippines and Ukraine had funded or carried out rehabilitation and/or reintegration programmes. Reintegration programmes had been undertaken in several countries of origin, often in cooperation with the International Organization for Migration (IOM).

3. Bilateral, subregional, regional and international cooperation

35. Several States reported about the conclusion of bilateral, subregional, regional and international agreements in order to enhance cooperation in the fight against trafficking. Austria, Belarus, China, Lithuania, Myanmar, Norway, Portugal, the Republic of Korea, the Russian Federation, and Serbia and Montenegro had concluded bilateral agreements. At the regional level, Malaysia had signed the Agreement on Information Exchange and Establishment of Communication Procedures covering the issue of trafficking with several South-East Asian countries. Cambodia and Thailand had subsequently acceded to that Agreement. Colombia was working to establish and implement regional and international cooperation agreements.

36. Argentina, Colombia, Costa Rica, Japan, Kyrgyzstan, Lithuania, the Philippines, Ukraine and Uzbekistan had hosted or participated in regional or international conferences where the issue of trafficking in persons had been discussed. Some States, such as Austria, China, Ireland, Lithuania, Malaysia, Norway, Portugal, the Republic of Korea, Serbia and Montenegro, Sweden and Uzbekistan reported about their participation in joint police actions, including, in some cases, through Interpol and Europol.

37. A number of States reported about bilateral and/or multilateral cooperation in programmes and projects to combat trafficking. Germany was cooperating with countries of origin to address the root causes of trafficking through its Programme of Action 2015: Poverty Reduction — A global responsibility; the German Government's contribution towards halving extreme poverty worldwide. Japan provided official development assistance for poverty reduction and development in developing countries as a way of preventing trafficking. The United States of America provided assistance to foreign countries to combat trafficking, while the United Kingdom of Great Britain and Northern Ireland had also been involved in several overseas projects to prevent trafficking. Saudi Arabia reported on its ongoing cooperation with a number of foreign embassies with a view to combating trafficking in persons for the purpose of begging.

38. Some States reported on their participation in regional task forces. Iceland, Lithuania and Norway were contributing to the work of the Nordic Baltic task force against trafficking in human beings. Lithuania and Norway also participated in the work of the Council of the Baltic Sea States task force on organized crime and other task forces. Serbia and Montenegro cooperated with the Organization for Security and Cooperation in Europe Stability Pact task force for combating trafficking in human beings.

4. International/United Nations year against trafficking in persons, especially women and girls

39. One Member State — Ukraine — expressed its support for the proposal contained in General Assembly resolution 57/176 to hold an international/United Nations year against trafficking in persons, especially women and children, with a view to intensifying the joint efforts of all participating countries in the prevention and control of international trafficking.

III. Measures taken within the United Nations system

40. Since the adoption of General Assembly resolution 57/176, intergovernmental and expert bodies of the United Nations continued to address the issue of trafficking in women and girls. Measures included the adoption of resolutions and recommendations. There have also been significant efforts to translate these resolutions and recommendations into action through a number of activities undertaken collaboratively by United Nations entities, other international and regional organizations, and civil society groups.

A. Functional commissions of the Economic and Social Council

41. The Commission on Crime Prevention and Criminal Justice, at its twelfth session (13-22 May 2003) held a thematic discussion on "Trafficking in human beings, especially women and children" and adopted a draft resolution on "Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking", which was subsequently adopted by the General Assembly (A/RES/58/137).

42. The Commission on Human Rights, at its fifty-ninth session (17 March-24 April 2003) adopted several resolutions that also addressed the issue of trafficking in persons, including resolution 2003/12 on the situation of human rights in Myanmar, resolution 2003/45 on the elimination of violence against women, resolution 2003/46 on the human rights of migrants, resolution 2003/79 on the situation of human rights in Cambodia, resolution 2003/85 on the abduction of children in Africa and resolution 2003/86 on the rights of the child. At its sixtieth session (15 March-23 April 2004) the Commission on Human Rights adopted resolution 2004/45 on trafficking in women and girls, and created the mandate of a new Special Rapporteur (decision 2004/110), for a period of three years, to focus on the human rights aspects of the victims of trafficking in persons, especially women and children. The Commission also addressed the question of human trafficking in other resolutions, including in resolution 2004/23 on human rights and extreme poverty, resolution 2004/46 on elimination of violence against women, resolution 2004/48 on the rights of the child, resolution 2004/49 on violence against women migrant workers and resolution 2004/53 on human rights of migrants.

43. In its resolution 2003/3, the Subcommission on the Promotion and Protection of Human Rights urged States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking through comprehensive anti-trafficking strategies that included legislative measures, prevention campaigns and information exchange. The Subcommission also devoted attention to trafficking in persons through the activities of its Working Group on Contemporary Forms of Slavery.

B. Special procedures of the Commission on Human Rights

44. A number of special rapporteurs of the Commission on Human Rights devoted attention to questions of trafficking in persons, especially women and children. The Special Rapporteur on violence against women, its causes and consequences addressed this issue in her reports on the integration of the human rights of women and the gender perspective submitted to the fifty-ninth[4] and sixtieth[5] sessions of the Commission on Human Rights. In particular, her report to the fifty-ninth session of the Commission on Human Rights, which reviewed international, regional and national developments and best practices for combating violence against women over the period 1994-2003, extensively covered the issue of trafficking.

45. The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography included information on trafficking in children in his reports to the fifty-ninth[6] and sixtieth[7] sessions of the Commission. The Special Rapporteur was particularly concerned about the criminalization of children victims of trafficking and urged all States to implement measures recognizing that children who were sold, trafficked or exploited through prostitution or pornography should be treated as victims of these offences.[8]

46. The Special Rapporteur of the Commission on Human Rights on the human rights of migrants regularly addressed trafficking when reporting on activities related to the human rights of migrants. In her report to the fifty-ninth[9] session of the Commission, the Special Rapporteur highlighted the vulnerability of migrants to trafficking and smuggling and recommended measures to combat these phenomena

from a human rights perspective. The Special Rapporteur also covered trafficking in her missions to Mexico[10] and the Philippines[11] in 2002.

C. Human rights treaty bodies

47. In the period under review, all treaty bodies established under major international human rights instruments addressed issues related to trafficking in persons, especially women and children, in their concluding comments/observations on the reports of States parties. The Committee on the Elimination of Discrimination against Women included this concern and recommendations in its concluding comments in 2002 on Argentina, Armenia, Barbados, the Czech Republic, Greece, Hungary, Mexico and Peru;[12] in 2003 on Albania, Brazil, Canada, Costa Rica, Ecuador, El Salvador, France, Japan, Luxembourg, Norway, Slovenia and Switzerland;[13] and in 2004 on Belarus, Bhutan, Ethiopia, Germany, Kyrgyzstan, Nepal and Nigeria.[14] The Committee on the Rights of the Child raised the issue of trafficking in children in 2002 in its concluding observations on Argentina,[15] Burkina Faso,[16] Poland,[17] the Republic of Moldova,[18] Ukraine,[19] United Arab Emirates[20] and United Kingdom of Great Britain and Northern Ireland;[21] in 2003 on Bangladesh,[22] Canada,[23] Cyprus,[24] the Czech Republic,[25] Eritrea,[26] Estonia,[27] Georgia,[28] Haiti,[29] Italy,[30] Jamaica,[31] Kazakhstan,[32] Libyan Arab Jamahiriya,[33] Madagascar,[34] Pakistan,[35] Romania[36] and Viet Nam;[37] and in 2004 on Armenia,[38] Democratic People's Republic of Korea,[39] El Salvador,[40] France,[41] Germany,[42] India,[43] Indonesia,[44] Liberia,[45] Myanmar,[46] the Netherlands and Aruba,[47] Panama,[48] Rwanda[49] and Slovenia.[50] The Human Rights Committee addressed trafficking in persons in its concluding observations in 2002 on the Republic of Moldova[51] and Togo;[52] in 2003 on Israel,[53] Latvia,[54] Luxembourg,[55] Mali,[56] Philippines,[57] Russian Federation,[58] Slovakia[59] and Sri Lanka;[60] and in 2004 on Germany,[61] Lithuania[62] and Suriname.[63] The Committee on Economic, Social and Cultural Rights did so in 2002 in its concluding observations on Estonia,[64] Georgia,[65] Poland[66] and Slovakia;[67] and in 2003 on Brazil,[68] Israel,[69] Luxembourg,[70] the Republic of Moldova[71] and the Russian Federation.[72] The Committee on the Elimination of Racial Discrimination also included the issue in its concluding observations in 2003 on Cape Verde[73] and the Republic of Korea;[74] and in 2004 on Spain,[75] as did the Committee against Torture in its concluding observations in 2002 on Cyprus;[76] in 2003 on Cambodia;[77] and in 2004 on the Czech Republic[78] and Germany.[79]

IV. Activities of entities within the United Nations system

48. A number of entities within the United Nations system provided information on their activities to combat trafficking in women and girls.

A. Division for the Advancement of Women/Department of Economic and Social Affairs

49. Trafficking in women and girls was a priority area of work of the Division for the Advancement of Women during the reporting period. The Division, in collaboration with the United Nations Office on Drugs and Crime, organized an Expert Group Meeting on trafficking in women and girls in Glen Cove, New York

(18-22 November 2002) that considered the gender as well as the human rights perspectives of appropriate criminal justice responses to trafficking. The meeting stressed that the protection of the human rights of trafficked persons and the promotion of gender equality must be at the core of anti-trafficking strategies. The results of the meeting were presented to the forty-seventh session of the Commission on the Status of Women (3-14 and 25 March 2003) for its consideration of the theme on women's human rights and the elimination of all forms of discrimination against women as defined in the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly. The results of the meeting were also presented to the twelfth session of the Commission on Crime Prevention and Criminal Justice (13-22 May 2003) in support of its thematic discussion on trafficking in human beings, especially women and children.

50. As a follow-up to the Expert Group Meeting, the Division, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, is working to prepare a guide on human rights and legislative practices to combat trafficking in persons, especially women and children, for policy makers and practitioners.

B. Department of Peacekeeping Operations

51. The United Nations Department of Peacekeeping Operations recruited a focal point to support its new anti-trafficking policy and develop mechanisms to assist its field missions to identify, prevent and address human trafficking. Training modules for use by the military and civilian training sections of the Department were being field-tested, awareness-raising materials were being developed and engagement with Member States was under way. The Department implemented various initiatives against trafficking, particularly in its political mission in Afghanistan and its peacekeeping missions in Timor-Leste, Liberia and Kosovo.

52. The United Nations Assistance Mission in Afghanistan (UNAMA) supported capacity-building of judicial and law enforcement authorities dealing with trafficking issues. UNAMA assigned a focal point within its human rights unit to oversee and facilitate various initiatives on trafficking in persons undertaken by governmental institutions, United Nations bodies, non-governmental organizations and other partners. It also supported the Afghan Independent Human Rights Commission in its efforts to investigate and monitor violence against women, including trafficking in women and girls, and participated in a committee, chaired by the Ministry of Labour and Social Affairs, which was tasked with developing a national plan of action against child trafficking.

53. The United Nations Mission of Support in East Timor participated in a working group on human trafficking, headed by the Ministry of Foreign Affairs and consisting of key governmental departments, United Nations agencies and the International Organization for Migration, which was tasked with developing strategies to combat trafficking in persons. The Mission had supported preparation of a report on human trafficking that raised awareness among decision makers on the extent of trafficking in East Timor and paved the way for the adoption of counter-trafficking measures. The findings of the report had been shared with the Council of Ministers and the resident diplomatic community, and had been used by the immigration unit of the East Timor national police, the National Investigation

Department of the United Nations Police and the Vulnerable Person's Unit of the East Timor national police in cases related to trafficking.

54. The United Nations Mission in Liberia established a gender unit to address, inter alia, the issue of trafficking in women and girls. The unit's activities included training and awareness-raising for peacekeepers, the civilian police and civilian staff on trafficking and sexual exploitation. A human trafficking adviser was included among the Mission's civil affairs staff who worked closely with the Mission's civilian police. The United Nations Interim Administration Mission in Kosovo participated in the Stability Pact for South-Eastern Europe task force on trafficking in human beings. Its anti-trafficking coordinator also participated in the inter-ministerial working group on counter-trafficking, which was tasked with developing a Kosovo action plan to combat trafficking in human beings. The Mission's anti-trafficking strategy was implemented by the victim advocacy and assistance unit of the Kosovo Department of Justice, which was particularly active in raising awareness on trafficking and providing protection and assistance to victims. The Mission Police had also been active in the area of investigation and prosecution of trafficking crimes through cooperation with the Criminal Division of the Department of Justice.

C. Office of the United Nations High Commissioner for Human Rights

55. The Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to work on trafficking in persons through its trafficking programme, which followed a two-pronged strategic approach: prevention of trafficking and protection to victims of trafficking. The programme activities were divided into five sectors: policy and leadership; internal capacity-building; support to United Nations agencies; support to external organizations and initiatives; and training and public information. Initiatives included the publication and the dissemination of user-friendly versions of the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*; coordination of the intergovernmental organizations contact group on human trafficking and migrant smuggling; continued input into the draft of the European Convention against Trafficking, sponsored by the Council of Europe; and provision of technical support to the OHCHR field offices, especially on legal and policy initiatives.

D. Economic and Social Commission for Asia and the Pacific

56. The Economic and Social Commission for Asia and the Pacific (ESCAP) in 2003 published and distributed widely a resource guide entitled "Combating human trafficking in Asia: a resource guide to international and regional legal instruments, political commitments and recommended practices". The Guide provided a comprehensive framework for using legal and other instruments to combat trafficking in persons, especially women and children. ESCAP also organized a two-day brainstorming session of expert consultation in December 2003 to promote regional and subregional cooperation to prevent human trafficking.

E. United Nations Development Fund for Women

57. The United Nations Development Fund for Women (UNIFEM) implemented measures against trafficking in women and girls through its trust fund in support of actions to eliminate violence against women. In 2003, a regional programme to confront trafficking in women and children had been implemented in South Asia, focusing on the prevention of trafficking, the protection of victims and the prosecution of traffickers. The programme led to, inter alia, the creation of four new networks on trafficking in the region, a research initiative to review existing laws, the creation of a regional anti-trafficking resource centre and a web site for practitioners and policy makers and the beginning of a process to develop minimum standard guidelines to facilitate rights-based rescue and rehabilitation of trafficked victims. In 2004, UNIFEM supported the convening of the biennial meeting of South-Asian Governments to commemorate the Beijing Platform for Action, where all participating States made commitments to further implement the South-Asian Association for Regional Cooperation Convention on Prevention of Trafficking in Women and Children.

F. United Nations Children's Fund

58. The United Nations Children's Fund (UNICEF) addressed the issue of trafficking in children through specific programmes such as media campaigns to warn prospective victims of the dangers of trafficking, the training of police and border officials to recognize trafficking or the facilitation of memoranda of understanding between countries with trafficking flows. UNICEF supported protection efforts at the community level; for example, in Benin, where over 900 community monitoring groups had been set up to prevent trafficking; in Angola, where procedures to recognize potential trafficking situations had been established in cooperation with border authorities; and in South-Eastern Europe, where a number of information campaigns had been undertaken with youth to alert them to the dangers of trafficking. UNICEF also worked to address the demand side of trafficking by supporting communications, training and legislative reforms. The prevention of trafficking was also included in its broader programmes, including projects to ensure the availability of training and employment opportunities to children vulnerable to commercial sexual exploitation.

G. United Nations Population Fund

59. The United Nations Population Fund (UNFPA) adopted a framework to combat trafficking in persons focusing on advocacy, partnership-building, capacity-building, the provision of assistance in sexual and reproductive health, and the empowerment of women and children. UNFPA, in partnership with the United Nations Development Programme and other organizations, had undertaken several activities related to trafficking, including: the implementation of a reproductive health project for trafficked girls and women in Bosnia and Herzegovina; the production of a training module on health and counselling in Nepal; gender-sensitization training in the context of sexual and reproductive health; the implementation of a national campaign against trafficking in India; a cross-border study of migration patterns including trafficking in Thailand; and the implementation of a regional project on

HIV/AIDS prevention for sex workers in Nepal, Papua New Guinea and Viet Nam. UNFPA also organized a consultative meeting on trafficking in women and girls in Slovakia.

H. World Health Organization

60. The World Health Organization (WHO) continued to work with different partners to increase awareness and knowledge of the issue of trafficking. In collaboration with the London School of Hygiene and Tropical Medicine and the European Union, WHO produced the *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*, and, in conjunction with the School, was completing a review of the health implications of trafficking.

V. Other intergovernmental bodies

International Organization for Migration

61. The International Organization for Migration employed a threefold strategy to combat trafficking in persons: prevention; protection and assistance to victims; and capacity-building. Prevention activities included: research on trafficking issues with the purpose of submitting policy and practical recommendations to concerned countries; and organization of awareness-raising campaigns in countries of origin to prevent potential women and girl migrants from becoming victims of trafficking. Activities related to protection and assistance included: the provision of shelter and accommodation to victims of trafficking; and the provision of counselling and support in health and legal matters. Assistance to trafficked victims included provisions for their voluntary return to countries of origin and their social and economic reintegration. Capacity-building activities, which included training for law enforcement personnel on international best practices, were aimed at supporting Governments to better manage the challenges posed by trafficking and to provide better services to victims.

62. In its efforts to actively combat trafficking, in 2002 IOM had developed the counter-trafficking module database, aimed at strengthening research capacity and understanding of the causes, processes, trends and consequences of trafficking. The database was located in Geneva, but it had also been installed in the Balkans and would be installed in other regions as well. In March 2003, IOM organized a regional conference in Hungary to raise awareness of the physical and the psychological abuse and trauma of victims of trafficking in Eastern Europe. The conference defined strategies for developing sustainable health-care assistance for trafficking victims.

VI. Conclusions and recommendations

63. **Many actions have been taken at national, regional and international levels to combat trafficking in persons, especially women and girls. International instruments and mechanisms are in place, States have adopted national anti-trafficking legislation and have designed and/or implemented policy measures to combat trafficking. Some States have opted for a**

prosecution-oriented model, while others have adopted comprehensive approaches to combat trafficking that also address the root causes of trafficking and place emphasis on victim protection.

64. In order to successfully combat trafficking, the prosecution of traffickers must go hand in hand with the protection of victims. To that end, effective prosecution of traffickers needs to be complemented by effective measures that protect trafficking victims from prosecution for illegal migration or labour law violations and empower them to break out of a cycle of victimization. Such victim protection measures should include the unconditional protection of the rights of trafficking victims, and particularly independent from a victim's ability or willingness to assist in the prosecution of offenders. States should recognize that trafficking victims are persons whose human rights have been violated and who are entitled to protection and support from States.

65. States should continue to ratify international instruments, conclude regional, subregional and bilateral agreements to ensure and facilitate the prosecution of offenders, irrespective of nationality and location, and seek international cooperation for assistance and exchange of information on good practices against trafficking.

66. States should place emphasis on adopting and actively enforcing comprehensive anti-trafficking legislation, using as guidance international instruments to which they are party. States should ensure training of police officers, border and immigration officials, social and health workers and all other professionals likely to come into contact with trafficking victims, to recognize and effectively assist such victims. Measures to protect and support trafficking victims should include psychological, medical and social assistance; provision of legal aid; access to shelters; protection during the prosecution of traffickers; availability of alternative employment programmes; and the granting of residence permits, asylum or extended stays in third countries in cases where repatriation would jeopardize the safety of victims.

67. States should also put in place prevention measures by addressing the root causes of trafficking in women and girls, including the poverty of women, displacement as a result of natural and human-made catastrophes, discriminatory practices against women in law and practice and gender-based violence in families and communities that makes women and girls particularly vulnerable to trafficking.

68. All actors, including judicial and law enforcement personnel, migration authorities, academic institutions, non-governmental organizations and civil society groups, should collaborate at the national level in the development and the implementation of a comprehensive and multidisciplinary approach to trafficking. Measures to combat trafficking should be continuously monitored to assess their impact and to facilitate further corrective measures. Data collection should be improved and conducted so as to be able to better understand and respond more efficiently and effectively to this phenomenon.

Notes

[1] A/57/170.

[2] The United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air were adopted by the General Assembly in its resolution 55/25.

[3] The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted by the General Assembly in its resolution 54/263.

[4] See E/CN.4/2003/75/Add.1 and E/CN.4/2003/75 and Corr.1.

[5] See E/CN.4/2004/66 and E/CN.4/2004/66/Add.1.

[6] See E/CN.4/2003/79, E/CN.4/2003/79/Add.1 and E/CN.4/2003/79/Add.2.

[7] See E/CN.4/2004/9 and E/CN.4/2004/9/Add.1.

[8] See E/CN.4/2003/79.

[9] See E/CN.4/2003/85.

[10] See E/CN.4/2003/85/Add.2.

[11] See E/CN.4/2003/85/Add.4.

[12] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38).

[13] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38).

[14] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38* (A/59/38 (Part I)).

[15] CRC/C/15/Add.187.

[16] CRC/C/15/Add.193.

[17] CRC/C/15/Add.194.

[18] CRC/C/15/Add.192.

[19] CRC/C/15/Add.191.

[20] CRC/C/15/Add.183.

[21] CRC/C/15/Add.188.

[22] CRC/C/15/Add.221.

[23] CRC/C/15/Add.215.

[24] CRC/C/15/Add.205.

[25] CRC/C/15/Add.201.

[26] CRC/C/15/Add.204.

[27] CRC/C/15/Add.196.

[28] CRC/C/15/Add.222.

[29] CRC/C/15/Add.202.

[30] CRC/C/15/Add.198.

[31] CRC/C/15/Add.210.

[32] CRC/C/15/Add.213.

[33] CRC/C/15/Add.209.

[34] CRC/C/15/Add.218.

[35] CRC/C/15/Add.217.

[36] CRC/C/15/Add.199.

[37] CRC/C/15/Add.200.

[38] CRC/C/15/Add.225.

[39] CRC/C/15/Add.239.

[40] CRC/C/15/Add.232.

[41] CRC/C/15/Add.240.

[42] CRC/C/15/Add.226.

[43] CRC/C/15/Add.228.

[44] CRC/C/15/Add.223.

[45] CRC/C/15/Add.236.

[46] CRC/C/15/Add.237.

[47] CRC/C/15/Add.227.

[48] CRC/C/15/Add.233.

[49] CRC/C/15/Add.234.

[50] CRC/C/15/Add.230.

[51] CCPR/CO/75/MDA.

[52] CCPR/CO/76/TGO.

[53] CCPR/CO/78/ISR.

[54] CCPR/CO/79/LVA.

[55] CCPR/CO/77/LUX.

[56] CCPR/CO/77/MLI.

[57] CCPR/CO/79/PHL.

[58] CCPR/CO/79/RUS.

[59] CCPR/CO/78/SVK.

[60] CCPR/CO/79/LKA.

[61] CCPR/CO/80/DEU.

[62] CCPR/CO/80/LTU.

[63] CCPR/CO/80/SUR.

[64] E/C.12/1/Add.85.

[65] E/C.12/1/Add.83.

[66] E/C.12/1/Add.82.

[67] E/C.12/1/Add.81.

[68] E/C.12/1/Add.87.

[69] E/C.12/1/Add.90.

[70] E/C.12/1/Add.86.

[71] E/C.12/1/Add.91.

[72] E/C.12/1/Add.94.

[73] CERD/C/63/CO/3.

[74] CERD/C/63/CO/9.

[75] CERD/C/64/CO/6.

[76] CAT/C/CR/29/1.

[77] CAT/C/CR/30/2.

[78] CAT/C/CR/32/2.

[79] CAT/C/CR/32/7.